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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,959	10/11/2001	Kay-Yut Chen	10018398	3006

7590

12/14/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

TARAE, CATHERINE MICHELLE

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/976,959

Applicant(s)

CHEN ET AL.

Examiner

C. Michelle Colon

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The following is a Non-Final Office Action in response to the most recent communication received on October 11, 2001. Claims 1-20 are now pending in this application.

#### ***Drawings/Specification***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 4 not described in specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. Claims 1 and 9 are objected to because of the following informalities: The body of the claim does not appear to perform the intended use recited in the preamble (as per claim 1) or the instructions (per claim 9), which is forecasting.
4. Claims 6-7 are objected to because of the following informalities: Claims 6 and 7 contain two periods (.). Claim 8 has no period (.).

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 16 is rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. The utility of claim 16 is not apparent, as the claim appears to be merely comparing data.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1, 4, 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1 and 9, the scope of the limitation, running an information market, is unclear. There is no recitation explaining the procedures of running an information market.

As per claim 4, it is unclear how a person's ability to analyze information is assessed. As assessing a person's ability to analyze information can be subjective, it is vague and indefinite as to how this is accomplished in the claim.

Claim 8 recites the limitation "probability of the potential outcome assigned by a participant." There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Geiger (U.S. 6,236,900).

As per claim 1, Geiger discloses a forecasting process comprising:

running an information market (col. 1, lines 57-67; col. 2, lines 31-36; The system discloses a competitive forum in which participants submit predictions relating to future events.);

extracting participant characteristics (col. 2, lines 12-20; Participant characteristics include information about their predictions relating to future events.);

performing a query process (col. 3, lines 19-23; Participants are queried for their submissions of predictions to the forum.);

aggregating results of said query process with adjustments for participant characteristics (col. 4, lines 11-17 and 45-63; A score is calculated for participant's prediction with adjustments for various factors related to participant's prediction.).

As per claim 2, Geiger discloses a forecasting process of claim 1 wherein said information market is designed to elicit characteristics of participants (col. 1, lines 57-67; col. 2, lines 31-36; The system discloses a competitive forum in which participants submit predictions relating to future events.).

As per claim 3, Geiger discloses a forecasting process of claim 2 wherein said characteristics include participant risk inclination (col. 4, line 18; Table 1 in col. 5 indicates the characteristics related to a participant's risk inclination.).

As per claim 4, Geiger discloses a forecasting process of claim 2 wherein said characteristics include participants ability to analyze information provided in said information market (col. 4, lines 12-45; Table 1).

As per claim 5, Geiger discloses a forecasting process of claim 2 further comprising correlating observed behavior to accepted characteristic tendencies (col. 4, lines 12-45; Table 1; The system correlates observed behavior to a reciprocal of the probability that the event will occur.).

As per claim 6, Geiger discloses a forecasting process of claim 2 wherein said information market includes an artificial market financial instrument corresponding to a real world state (col. 3, lines 7-18).

As per claim 7, Geiger discloses a forecasting process of claim 1 wherein the results of the query process are aggregated by revising apriori probabilities with reports provided by participants and conditioning the reports by the characteristics of the participants (col. 7, lines 20-31; col. 8, lines 10-12 and 48-64; Difference scoring calculations are used for different events with the scoring dimensions having different weights based on the characteristics of the participants.).

As per claim 8, Geiger discloses a forecasting process of claim 1 wherein the results of the query process are aggregated by utilizing Bayes formula with each probability of the potential outcome assigned by a participant modified by an exponential factor to condition the probability for adjustments associated with each participant's characteristics (col. 7, lines 20-31; col. 8, lines 10-12 and 48-64; col. 9, lines 21-27; col. 10, lines 1-3; Difference scoring calculations are used for different events with the scoring dimensions having different weights based on the characteristics of the participants, thus using conditional probability, which is Bayes formula.).

Claims 9-20 recite substantially similar subject matter to claims 1-8 above.  
Therefore, claims 9-20 are rejected on the same basis as claims 1-8 above.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Haddad (U.S. 5,743,525) discusses a sporting event wagering system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae (formerly, C. Michelle Colon) whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

***Alexandria, VA 22313-1450***



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or faxed to:

703-872-9306 [Official Communications; including After Final  
communications labeled "Box AF"]

571-273-6727 [For status inquiries, draft communication, labeled  
"Proposed" or "Draft"]

Hand delivered responses should be brought to:

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***401 Dulany Street***

***Alexandria, VA 22314***



C. Michelle Colón  
Patent Examiner  
Art Unit 3623

December 12, 2005